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LUC-447/Beauford 1

REMARKS

Claims 1-7 and 9-20 are pending in the application. Claims 1-2, 5-6, 13-14 and 20 were rejected under 35 U.S.C. § 103(a). Claims 3-4, 7-9, 11-12 and 15-19 were objected to.

Allowable Subject Matter

Applicant appreciates the Examiner's indication that claims 3-4, 7-9, 11-12 and 15-19 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has elected to rewrite claims 15 and 17-19 in independent form including all of the limitations of claim 13.

Rejection Under 35 U.S.C. § 103(a)

Claims 1-2, 5-6, 13-14 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 5,926,537 issued to Birze on July 20, 1999 in view of the Background of Applicant's specification Serial Number 10/697,216.

Applicant has avoided this ground of rejection for the following reasons.

First, claim 8, which the Examiner has indicated is allowable if rewritten in independent form and which was previously dependent from claim 1, has been canceled. Applicant has amended claim 1 to include therein the limitation from claim 8. Claim 1, as amended, now recites,

"a call control component that sets a call category for a call to indicate that the call terminates at an announcement server component prior to connection with a called communication device;

wherein upon receipt of an answer message from the announcement server component, the call control component drops the answer message based on the call category; and

wherein the call control component determines to not update a billing record associated with the call based on the answer message from the announcement server component."

As stated in the Office Action, the Examiner admits that the cited references do not teach or suggest "wherein the call control component determines to not update a billing record associated with the call based on the answer message from the announcement server component".

Therefore the proposed combination of Birze with the Background of Applicant's specification does not teach or suggest all of the limitations in applicant's claim 1, and therefore claim 1 is allowable over the proposed combination. Since claims 2, 5 and 6 depend from allowable claim 1, these claims are also allowable.

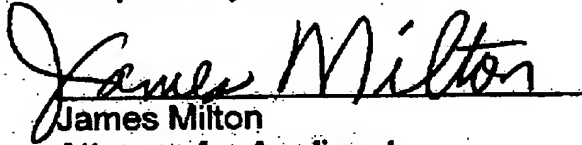
Independent claims 13 and 20 each have a limitation similar to that of independent claim 1, which was shown is not taught by the combination of Birze with the Background of Applicant's specification. For example, claims 13 recites, "wherein a call control component determines to not update a billing record associated with the call based on the answer message from the announcement server component" and claim 20 recites "wherein a call control component determines to not update a billing record associated with the call based on the answer message from the announcement server component". The combination of Birze with the Background of Applicant's specification does not teach these limitations for the above-mentioned reasons. Therefore, claims 13 and 20 are likewise allowable over the proposed combination. Since claim 14 depends from claim 13, this dependent claim is also allowable over the proposed combination.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicant's attorney.

Respectfully submitted,


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